

HOUSE BILL NO. 479

INTRODUCED BY DONALDSON, S. BROWN

IN THE HOUSE

January 26, 1981	Introduced and referred to Committee on Natural Resources.
February 3, 1981	Committee recommend bill do pass. Report adopted.
February 4, 1981	Bill printed and placed on members' desks.
February 6, 1981	Second reading, do pass.
February 7, 1981	Considered correctly engrossed.
February 11, 1981	Third reading, passed. Ayes, 90; Noes, 5. Transmitted to Senate.

IN THE SENATE

February 12, 1981	Introduced and referred to Committee on Local Government.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	Motion pass consideration.
March 31, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 0. On motion rules suspended. Bill allowed to be transmitted on 71st legislative day. Motion adopted.

IN THE HOUSE

April 1, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 93; Noes, 3. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 479
2 INTRODUCED BY Donna Steve Brown
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
5 OF "FLOODPLAIN"; AMENDING SECTION 76-5-103, MCA."
6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 76-5-103, MCA, is amended to read:
9 "76-5-103. Definitions. As used in parts 1 through 4
10 of this chapter, unless the context otherwise requires, the
11 following definitions apply:

12 (1) "Artificial obstruction" means any obstruction
13 which is not a natural obstruction and includes any dam,
14 wall, riprap, embankment, levee, dike, pile, abutment,
15 projection, revetment, excavation, channel rectification,
16 bridge, conduit, culvert, building, refuse, automobile body,
17 fill, or other analogous structure or matter in, along,
18 across, or projecting into any floodplain or floodway which
19 may impede, retard, or change the direction of the flow of
20 water, either in itself or by catching or collecting debris
21 carried by the water, or that is placed where the natural
22 flow of the water would carry the same downstream to the
23 damage or detriment of either life or property.

24 (2) "Board" means the board of natural resources and
25 conservation provided for in 2-15-3302.

1 (3) "Channel" means the geographical area within
2 either the natural or artificial banks of a watercourse or
3 drainway.

4 (4) "Department" means the department of natural
5 resources and conservation provided for in Title 2, chapter
6 15, part 33.

7 (5) "Designated floodplain" means a floodplain whose
8 limits have been designated and established by order of the
9 board.

10 (6) "Designated floodway" means a floodway whose
11 limits have been designated and established by order of the
12 board.

13 (7) "Drainway" means any depression 2 feet or more
14 below the surrounding land serving to give direction to a
15 current of water less than 9 months of the year and having a
16 bed and well-defined banks.

17 (8) "Establish" means construct, place, insert, or
18 excavate.

19 (9) "Flood" means the water of any watercourse or
20 drainway which is above the bank or outside the channel and
21 banks of such watercourse or drainway.

22 (10) "Flood of 100-year frequency" means a flood
23 magnitude expected to recur on the average of once every
24 100 years or a flood magnitude which has a 1% chance of
25 occurring in any given year.

INTRODUCED BILL

1 (11) "Floodplain" means the area adjoining the
 2 watercourse or drainway which would be covered by the
 3 floodwater of a flood of 100-year frequency, except for
 4 sheetflood areas that receive less than 1 foot of water per
 5 occurrence and are considered "Zone B" by the federal
 6 emergency management agency.

7 (12) "Floodway" means the channel of a watercourse or
 8 drainway and those portions of the floodplain adjoining the
 9 channel which are reasonably required to carry and discharge
 10 the floodwater of any watercourse or drainway.

11 (13) "Natural obstruction" means any rock, tree,
 12 gravel, or analogous natural matter that is an obstruction
 13 and has been located within the floodplain or floodway by a
 14 nonhuman cause.

15 (14) "Owner" means any person who has dominion over,
 16 control of, or title to an obstruction.

17 (15) "Political subdivision" means any incorporated
 18 city or town or any county organized and having authority to
 19 adopt and enforce land use regulations.

20 (16) "Responsible political subdivision" means a
 21 political subdivision that has enacted land use regulations
 22 in accordance with parts 1 through 4.

23 (17) "Watercourse" means any depression 2 feet or more
 24 below the surrounding land serving to give direction to a
 25 current of water at least 9 months of the year and having a

1 bed and well-defined banks; provided that it shall, upon
 2 order of the board, also include any particular depression
 3 which would not otherwise be within the definition of
 4 watercourse."

-End-

Approved by Committee
on Natural Resources

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(2) "Board" means the board of natural resources and conservation provided for in 2-15-3302.

(3) "Channel" means the geographical area within either the natural or artificial banks of a watercourse or drainway.

(4) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(5) "Designated floodplain" means a floodplain whose limits have been designated and established by order of the board.

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-2- SECOND READING
HB 479

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
5 OF "FLOODPLAIN"; AMENDING SECTION 76-5-103, MCA; AND
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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6 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 7 PASSAGE AND APPROVAL.

-End-

March 26, 1981

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 479 be amended as follows:

1. Title, line 5.

Following: "MCA"

Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.

Following: line 4

Insert: "Section 2. Effective date. This act is effective on passage and approval."